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CLERK, U.S. DISTRICT COURT  
CENTRAL DISTRICT OF CALIF.  
LOS ANGELES

**GARY A. HECKER, ESQ. (State Bar No. 099008)**  
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Attorneys for Plaintiffs  
**Ray Liotta and**  
**Punky, Inc.**

**UNITED STATES DISTRICT COURT**  
**CENTRAL DISTRICT OF CALIFORNIA**

**CV14-1632 CAS (AJW)**

RAY LIOTTA, an individual; and  
PUNKY, INC., a California  
Corporation,

Plaintiffs,

vs.

NERIUM INTERNATIONAL,  
LLC, a Texas Limited Liability  
Company; individuals  
MICHAEL SHOURED;  
KELLY HEFFERNAN; JUDITH  
PEREZ; SHERI VAREZADEH;  
JACKIE BRANN; NELSON  
BRANN; VICTORIA ROWE;  
KIMBERLY FELICE;  
MICHELLE MANIRE; and DOES  
1-10,

Defendants.

Civil Action No.

COMPLAINT FOR:

1. VIOLATION OF THE LANHAM ACT;  
15 U.S.C. § 1125(a) (UNFAIR  
COMPETITION)
2. VIOLATION OF THE CALIFORNIA  
COMMON LAW RIGHT OF  
PUBLICITY
3. VIOLATION OF THE CALIFORNIA  
STATUTORY RIGHT OF PUBLICITY;  
CIVIL CODE § 3344

*DEMAND FOR JURY TRIAL*

THE HECKER LAW GROUP  
1925 Century Park East, Suite 2300  
Los Angeles, California 90067

1 Plaintiffs Ray Liotta and Punky, Inc. by and through their attorney Gary  
2 Hecker, Esq. of The Hecker Law Group, hereby allege as follows:

3 **THE PARTIES**

4 1. Plaintiff Ray Liotta is an individual and a resident of Los Angeles  
5 County, California.

6 2. Plaintiff Punky, Inc. is a California Corporation with a place of business  
7 located at 450 N. Roxbury Drive, Beverly Hills, CA 90210.

8 3. Defendant Nerium International, LLC (“Nerium”) is a Texas limited  
9 liability company that does business in this judicial district with a place of business  
10 located at 4004 Belt Line Road, Suite 112, Addison, TX 75001.

11 4. Defendant Michael Shouhed (“Shouhed”) is an individual and a resident  
12 of Los Angeles County, California.

13 5. Defendant Kelly Heffernan (“Heffernan”) is an individual and a resident  
14 of Los Angeles County, California.

15 6. Defendant Judith Perez (“Perez”) is an individual and a resident of Los  
16 Angeles County, California.

17 7. Defendant Sheri Vareszadeh (“Vareszadeh”) is an individual and a  
18 resident of Los Angeles County, California.

19 8. Defendants Jackie Brann and Nelson Brann (“The Branns”) are  
20 individuals and a residents of Los Angeles County, California.

21 9. Defendant Victoria Rowe (“Rowe”) is an individual and a resident of Los  
22 Angeles County, California.

23 10. Defendant Kimberly Felice (“Felice”) is an individual and a resident of  
24 Los Angeles County, California.

25 11. Defendant Michelle Manire (“Manire”) is an individual and a resident of  
26 Los Angeles County, California.

27 12. Plaintiffs are currently unaware of the true names and capacities of  
28 DOES 1 through 10, inclusive, and therefore sue them by those fictitious names.

1 Plaintiffs will amend this Complaint to allege their true names and capacities when  
2 they are ascertained.

3 13. Plaintiffs are informed and believe that Defendants, and each of them,  
4 were and are, the agents, alter-egos, principals, employees, employers, joint-venturers,  
5 customers, licensees, co-conspirators, owners, partners, and/or employers of the other  
6 Defendants; and each of them were and are acting within the course and scope of such  
7 agency, alter-ego, employ, partnership, joint venture, license, conspiracy, and/or  
8 ownership at all times referenced herein, and/or otherwise were and are affiliated with  
9 one another and/or are a single enterprise, so as to be liable in such capacity for the  
10 acts alleged herein.

11 14. Plaintiffs are informed and believe and based thereon allege that the acts  
12 and conduct alleged herein of each of the Defendants were known to, authorized by,  
13 and/or ratified, sanctioned and/or approved by the other Defendants, and each of them.

#### 14 **JURISDICTION & VENUE**

15 15. This is an action for, *inter alia*, violation of 15 U.S.C. § 1125(a) and  
16 violation of the California common law and statutory right of publicity.

17 16. This Court has subject matter jurisdiction over the federal cause of action  
18 pursuant to 28 U.S.C. § 1331. This Court has jurisdiction over the state law claims  
19 pursuant to 28 U.S.C. § 1367(a).

20 17. Venue for this action is proper in this judicial district pursuant to 28  
21 U.S.C. §§ 1391(b) and (c) in that the acts alleged against Plaintiffs occurred in this  
22 judicial district.

#### 23 **ALLEGATIONS COMMON TO ALL CLAIMS FOR RELIEF**

##### 24 **Plaintiff Ray Liotta**

25 18. Ray Liotta (“Liotta”) is an internationally known film and television  
26 actor. Liotta has appeared in more than sixty feature films spanning more than three  
27 decades and is one of the most well-respected and recognized actors in American  
28 cinema.

19. Liotta is widely known for, among other things, his roles in the iconic Academy Award<sup>®</sup> nominated films *GoodFellas* (for his portrayal of real-life mobster Henry Hill) and *Field of Dreams* (for his portrayal of the ghost of baseball player “Shoeless” Joe Jackson).

20. Liotta has played a diverse variety of roles appealing to a broad range of audiences, including comedy (e.g. *Muppets from Space*, *Wild Hogs*, *Date Night*, and *Wanderlust*); intense drama (e.g. *Unlawful Entry*, *A Place Beyond the Pines* and *Identity*); romantic comedy (e.g. *Corrina Corrina*); action/adventure (e.g. *No Escape*); drama (e.g. *Dominick and Eugene*); popular video game characters (e.g. *Black Ops 3: Uprising* and *Grand Theft Auto*); and animated features (e.g. *Bee Movie*).

21. Liotta has appeared as a guest on dozens of television shows, including Late Night With David Letterman, The Tonight Show with Jay Leno, Late Night with Jimmy Fallon, Jimmy Kimmel Live!, The Daily Show, Late Night With Conan O’Brien, Charlie Rose, and as guest host on Saturday Night Live!

22. Liotta often receives critical acclaim and industry recognition for his work. For example, he received an Emmy<sup>®</sup> Award for his guest role on the top-rated television series ER, a Golden Globe<sup>®</sup> nomination for his performance in Jonathan Demme’s *Something Wild*, a Screen Actor’s Guild award nomination for his portrayal of Frank Sinatra in *The Rat Pack*, and an Independent Spirit Award for his performance in *Narc*.

23. Liotta has invested substantial time, energy, effort and expense in developing and achieving his considerable professional and commercial success and in developing his popularity, fame and prominence in the public eye.

24. Liotta’s name, likeness, image, identity and persona have come to be associated in the minds of the consuming public with the services, including entertainment and performance services, and products that Liotta endorses.

25. Liotta’s name, likeness, image, identity and persona have become widely known by a substantial segment of the public in the United States and throughout the

1 world, and thereby have become, and are, valuable commercial assets that symbolize  
2 Liotta and the level of quality associated with services and products he endorses, and  
3 with the goodwill that is associated with them.

4 26. Liotta's name, likeness, image, identity and persona are recognized  
5 worldwide as famous and distinctive and are identified by the purchasing public as  
6 associated with Plaintiffs.

7 27. Liotta has received substantial financial offers requesting permission for,  
8 and seeking the use of, his name, likeness, image, identity and persona for endorsing,  
9 marketing and promoting products and entertainment services and performances.

10 28. Liotta, alone and/or by and through or in conjunction with his loan out  
11 company Plaintiff Punky, Inc., has selectively endorsed certain products.

12 29. Plaintiffs maintain strict control over the manner in which Liotta's name,  
13 likeness, identity and persona are used. Plaintiffs exercise careful consideration in  
14 selecting and approving products, services or performances that they will permit to  
15 license or use Liotta's name, likeness, identity or persona. Plaintiffs restrict such use  
16 and licensing to products, services and performances that are of acceptably quality to  
17 Plaintiffs, and for which compensation is commensurate with the exploitation and  
18 value thereof.

### 19 **DEFENDANTS' WRONGFUL CONDUCT**

20 30. Defendant Nerium is a self-described multilevel marketing company that  
21 sells its products to, and through, individuals and entities referred to as, *inter alia*,  
22 "Nerium Brand Partners" ("Nerium Partners").

23 31. On information and belief, Defendant Nerium generates revenue using a  
24 product-based pyramid scheme. Nerium sells its products to Nerium Partners who  
25 recruit multiple, new Nerium Partners. They, in turn, purchase Nerium products and  
26 recruit yet more Nerium Partners in an ever-growing pyramid.  
27  
28

1           32. Nerium uses the lure of potential future bonuses, commissions, prizes  
2 (like iPads and Lexus cars) and “limitless opportunities” to motivate active  
3 participation of Nerium Partners.

4           33. Defendants Shouhed, Heffernan, Perez, Vareszadeh, The Branns, Rowe,  
5 Felice and Manire (collectively, the “Defendant Nerium Partners”) are each a Nerium  
6 Partner.

7           34. Defendant Nerium sells a skin care product in the form of a skin cream  
8 named “Nerium AD”.

9           35. Nerium claims the key active ingredient in Nerium AD is an extract of  
10 the *Nerium Oleander* plant (“oleander”).

11           36. Nerium claims oleander possesses “remarkable properties” for improving  
12 the appearance of damaged skin and that it produces “remarkable age-defying results  
13 when applied to the skin.”

14           37. Nerium purports to have “stumbled upon” those properties in a “true  
15 accidental discovery” and then scientifically “harnessed the power of oleander” in  
16 Nerium AD skin cream.

17           38. Nerium claims that the use of Nerium AD skin cream produces dramatic  
18 improvements in the look of a person’s skin, and that it is “proven” to dramatically  
19 reduce the appearance of wrinkles, skin discoloration, poor skin texture, poor skin  
20 tone, enlarged pores and aging loose skin.

21           39. Nerium markets Nerium AD as purportedly being backed by “Real  
22 Science” and as producing “Real Results.”

23           40. Nerium claims the purported results achieved by using Nerium AD are  
24 “based on proven science and actual customer success.”

25           41. On information and belief, Nerium’s principle marketing strategy is to  
26 present “before and after” photographs showing purported dramatic results achieved  
27 by people who have allegedly used Nerium AD skin cream.  
28



1           42. On information and belief, Nerium, by and through its agents, provides  
2 those “before-and-after” photographs and related marketing materials to Nerium  
3 Partners for marketing, *inter alia*, on web sites and social networking platforms such  
4 as Facebook, Twitter, Pinterest, Instagram, Google+ and others.

5           43. On information and belief, the purported “real results” and “actual  
6 customer success” of using Nerium AD shown in those “before and after”  
7 photographs are fabricated – that is, they are not real results.

8           44. On information and belief, Nerium’s claims of dramatic skin  
9 improvements achieved by using Nerium AD skin cream have not been validated or  
10 confirmed by any recognized or peer reviewed scientific studies.

11           45. On information and belief, Nerium uses “before and after” photos with  
12 fabricated results to fraudulently induce consumers to purchase Nerium AD skin  
13 cream and to entice them to become Nerium Partners.

14           46. On information and belief, Defendant Nerium and the Defendant Nerium  
15 Partners, themselves and/or by and through their respective agents, have used, and  
16 continue to use Ray Liotta’s name, likeness, image, identity and persona to advertise,  
17 market and promote the sale of Nerium AD and to recruit new Nerium Partners, for  
18 Defendants’ commercial benefit and gain.

19           47. On information and belief, in or about October 2013, as part of its  
20 Nerium AD marketing campaign, Nerium, by and through its agents, distributed  
21 photographs and related materials that identify, name, and/or describe, and purport to  
22 show Plaintiff Ray Liotta “before-and-after” using Nerium AD skin cream.

23           48. A copy of a two photographs claimed by Defendant Nerium to be  
24 photographs of Liotta “before-and-after” using Nerium AD over a 30 day period  
25 (“Liotta Photographs”) are attached as Exhibit 1.

26           49. On information and belief, the Liotta Photographs and related materials  
27 were provided by, through, and/or on behalf of Defendant Nerium to Nerium Partners,  
28 including to the Defendant Nerium Partners, for use by Defendants to promote the sale

1 of Nerium AD and to facilitate the recruitment of new Nerium Partners, all for  
2 Defendants' commercial gain.

3 50. On or about October 24, 2013 defendant Shouhed posted the Liotta  
4 Photographs on Shouhed's Facebook page, exclaiming "*Hollywood star Ray Liotta's*  
5 *results after using Nerium for 30 days! #nerium #realresults. www.skincarestud.com.*"  
6 A copy of Shouhed's October 24, 2013 Facebook posting is attached as Exhibit 2.

7 51. On or about October 24, 2013 defendant Heffernan, who also uses the  
8 business name "Greatskin-n.com," posted the Liotta Photographs on Heffernan's  
9 Facebook page, stating: "*Celebrity Ray Liotta's results after using Nerium for 30*  
10 *days.*" A copy of Heffernan's October 24, 2013 Facebook posting is attached as  
11 Exhibit 3.

12 52. In or about October 2013, defendant Perez posted the Liotta Photographs  
13 received from Nerium on the Pinterest social networking website. A copy of the  
14 photograph Perez pinned on the Pinterest website is attached as Exhibit 4.

15 53. On or about December 17, 2013, defendant Vareszadeh posted the Liotta  
16 Photographs on Vareszadeh's Facebook page, stating "*For more information about*  
17 *Nerium Age-Defying Crème contact me through my website at*  
18 *www.sherivareszadeh.nerium.com to get your \$30 preferred customer discount.*  
19 *Check out actor Ray Liotta.*" A copy of Vareszadeh's December 17, 2013 Facebook  
20 posting is attached as Exhibit 5.

21 54. On or about November 2, 2013, defendants The Branns posted the Liotta  
22 Photographs on The Branns' Facebook page, stating "*Ray Liotta from Goodfellas*  
23 *after using NeriumAD for 30 days! 30 day money back guarantee if you don't see*  
24 *result in one month.*" A copy of The Branns' November 2, 2013 Facebook posting is  
25 attached as Exhibit 6.

26 55. On or about December 3, 2013, defendant Rowe posted the Liotta  
27 Photographs on Rowe's Wordpress blog "Victoria Rowe's Hollywood Makeup Tips",  
28 stating "*I know I know, too good to be true? That's what I thought until I tried Nerium*



1 *AD over a month ago. Now people are asking me what I did to my skin and telling me*  
2 *how great my face looks! I was working on a movie this summer and when it was over*  
3 *a friend showed me these before and after pics of actor RAY LIOTTA.”* A copy of  
4 Rowe’s December 3, 2013 Wordpress posting is attached as Exhibit 7.

5 56. On or about December 17, 2013, defendant Felice posted the Liotta  
6 Photographs on Felice’s Twitter page, stating “*OMG! Ray Liotta’s Before & After*  
7 *Pics.*” A copy of Felice’s December 17, 2013 Twitter posting is attached as Exhibit 8.

8 57. On or about October 27, 2013, defendant Manire posted the Liotta  
9 Photographs on Manire’s Google+ page, stating “*Ray Liotta loves #Nerium.*” A copy  
10 of Manire’s October 27, 2013 Google+ posting is attached as Exhibit 9.

11 58. Upon information and belief, Defendant Nerium intentionally induced  
12 Defendant Nerium Partners to engage in the unlawful acts alleged herein, and itself  
13 participated in such unlawful acts.

14 59. Liotta has never used Nerium AD.

15 60. Liotta has never had any association, affiliation or relationship with  
16 Nerium AD, Defendant Nerium, Defendant Nerium Partners, or any agents or  
17 affiliates of Defendants.

18 61. Prior to Plaintiffs learning of Defendants’ intentional, willful and  
19 malicious wrongful conduct alleged herein, Liotta had never heard of, or known of,  
20 Nerium, Nerium Partners or Nerium AD skin cream.

21 62. Defendants’ claims that Ray Liotta has used Nerium AD skin cream are  
22 completely fabricated, contrived and utterly false.

23 63. Defendants’ use of words and/or photographs that purport to show and  
24 describe results of Liotta’s alleged use of Nerium AD, in fact show and describe  
25 alleged use and results that are completely fabricated, contrived and utterly false.

26 64. The written descriptions and/or photographs distributed by Defendants to  
27 identify, describe and/or characterize the use of, and results achieved by use of  
28

1 Nerium AD by Liotta, in fact show, describe and characterize use and results that are  
2 completely fabricated, contrived and utterly false.

3 65. Plaintiffs did not authorize Defendant Nerium or Defendant Nerium  
4 Partners to use Liotta's name, likeness, image, identity or persona to market, advertise  
5 or promote any product or service or other commercial activity of Nerium, or for any  
6 purpose whatsoever.

7 66. Had Plaintiffs been contacted by Defendants to request that Liotta use  
8 Nerium AD, or to request that Liotta endorse, advertise, promote, or approve of  
9 Nerium AD (which they were not), Plaintiffs would have flatly refused.

10 67. Had Plaintiffs been asked to permit Defendants to present a comparison  
11 of Liotta's skin "before and after" using Nerium AD to endorse, advertise, promote, or  
12 approve Nerium AD or for any other purpose whatsoever (which they were not)  
13 Plaintiffs would have flatly refused.

14 68. On information and belief, Ray Liotta's name, likeness, image, identity  
15 and persona continue to be used by Defendants, by themselves and/or by and through  
16 their respective agents, in advertising, marketing and promotional media for  
17 commercial purposes, including on Facebook, Twitter, Google+, Wordpress,  
18 Instagram and Pinterest.

19 69. The use of the Liotta's name, likeness, image, identity and persona,  
20 including the use of the Liotta Photographs and related materials by Defendants,  
21 falsely represents that Liotta sponsors, endorses, or is associated with Defendants and  
22 uses Nerium AD or other Nerium products.

23 70. Plaintiffs did not authorize Defendants, or any of them, to use Liotta's  
24 name, likeness, image, identity or persona in connection with marketing Nerium's  
25 products or for any purpose whatsoever.

26 71. Plaintiffs were not contacted by Defendants to seek or to obtain their  
27 permission, nor were Plaintiffs compensated by Defendants, for the use of Liotta's  
28 name, likeness, image, identity and persona.

1           72. Nerium states that it does not pay celebrities to endorse its products,  
2 thereby admitting that any purported endorsement of Nerium AD by Liotta was not  
3 and is not compensated by Defendants, and further exaggerates and exacerbates  
4 Defendants' intentionally false and wholly fabricated claim that Ray Liotta used or  
5 endorsed Nerium AD.

6           73. The use of Liotta's name, likeness, image, identity and persona by  
7 Defendants was, and is, in conscious disregard of Plaintiffs' right of privacy and  
8 publicity, and of their exclusive right to control the use and exploitation of Liotta's  
9 name, likeness, image, identity and persona.

10          74. The aforementioned misappropriation and use of Liotta's name, likeness,  
11 image, identity and persona by Defendants was, and is, intentional, willful and  
12 malicious.

13          75. Defendants' misappropriation and use of Liotta's name, likeness, image,  
14 identity and persona was purposefully designed and intended to confuse, to cause  
15 mistake, and to deceive the public into believing that Liotta has used Nerium's  
16 products when he has not, and/or that Ray Liotta sponsors, endorses, sanctions, likes,  
17 or is associated with Nerium's products, when he is not and does not.

18          76. Defendants have created a likelihood of confusion in the minds of the  
19 consuming public as to the source, sponsorship, endorsement, or association of Liotta  
20 with Defendants, and with their business, goods, services, advertisements, promotions  
21 marketing and other commercial activities.

22          77. Defendants have profited, and will continue to profit, from their unlawful  
23 and intentional misappropriation and use of Liotta's name, likeness, image, identity  
24 and persona.  
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1 **FIRST CLAIM FOR RELIEF**

2 **(Violation of the Lanham Act 15 USC § 1125(a); Unfair Competition/False**  
3 **Association)**

4 78. Plaintiffs incorporate by reference the allegations of paragraphs 1  
5 through 77 as though fully set forth herein.

6 79. In doing the acts alleged herein, Defendants have engaged in commercial  
7 activity that is likely to cause confusion and/or to mislead consumers into believing  
8 that Liotta has endorsed, sponsored, or otherwise approved of Defendants' products,  
9 services, companies, advertisements or other commercial activity of Defendants.

10 80. In doing the acts set forth herein, Defendants have created a false  
11 association between Plaintiffs and the products, services and companies of  
12 Defendants, and a false designation of origin as to the Defendants' products, product  
13 performance and product results, services, and/or companies, that are advertised,  
14 promoted and marketed by Defendants.

15 81. Defendants' acts as set forth herein have, in fact, actually misled and  
16 confused consumers, and continue to mislead and confuse consumers, by, *inter alia*,  
17 willfully and intentionally creating a false impression that Defendants' products,  
18 services and/or companies are or were sponsored, endorsed, approved, liked, verified,  
19 affiliated or associated with, Plaintiffs.

20 82. Defendants' conduct constitutes a willful violation of 15 U.S.C. §  
21 1125(a).

22 83. As a result of Defendants' actions, Plaintiffs have suffered, and will  
23 continue to suffer, damages in an amount to be proven at trial.

24 **SECOND CLAIM FOR RELIEF**

25 **(Violation of the California Common Law Right of Publicity)**

26 84. Plaintiffs incorporate by reference the allegations of paragraphs 1  
27 through 77 as though fully set forth herein.  
28

85. In doing the acts alleged herein, Defendants have used for commercial purposes Liotta's name, likeness, image, identity and persona without Plaintiffs' consent.

86. The commercial use and misappropriation of Liotta's name, likeness, image, identity and persona is a violation of the California common law right of privacy, which includes the right of publicity.

87. As a proximate result of Defendants' acts alleged herein, Plaintiffs have suffered and will continue to suffer damages in an amount to be proven at trial.

### **THIRD CLAIM FOR RELIEF**

#### **(Violation of the California Statutory Right of Publicity; Civil Code § 3344)**

88. Plaintiffs incorporate by reference paragraphs 1 through 77 as though fully set forth herein.

89. In doing the acts alleged herein, Defendants have intentionally, knowingly, willfully, and unlawfully used and misappropriated Liotta's name and likeness for their own commercial purposes, including for marketing Nerium AD and for recruiting new Nerium Partners.

90. Defendants' misappropriation of Liotta's name and likeness for their own commercial purposes is a violation of California Civil Code § 3344.

91. As a result of Defendants' actions, Plaintiffs have suffered, and will continue to suffer, damages in an amount to be proven at trial.

### **PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiffs request entry of judgment against Defendants, and each of them, including relief as follows:

1. A preliminary and permanent injunction requiring Defendants and their agents, servants, and employees, and all other persons with whom they are acting in concert, to refrain from using Liotta's name, likeness, image, identity, or persona in connection with any commercial activities of Defendants, including the advertising,

1 marketing, or promotion of Defendants' products, services or other commercial  
2 activity;

- 3 2. Damages against Defendants in an amount to be determined at trial;
- 4 3. Disgorgement of Defendants' profits;
- 5 4. Compensatory damages, consequential damages and/or lost profits;
- 6 5. Exemplary, enhanced and punitive damages;
- 7 6. An award of attorney's fees and costs;
- 8 7. Prejudgment interest; and
- 9 8. Such other relief as the Court deems just and proper.

10  
11 Respectfully submitted,

12 DATED: March 5, 2014

**THE HECKER LAW GROUP**

13  
14 By: 

**Gary A. Hecker, Esq.**  
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Attorneys for Plaintiffs  
RAY LIOTTA AND  
PUNKY, INC.



**DEMAND FOR TRIAL BY JURY**

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Plaintiffs hereby demand a jury trial.

DATED: March 5, 2014

Respectfully submitted,

**THE HECKER LAW GROUP**

By: 

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# Exhibit 1

THE HECKER LAW GROUP  
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## Exhibit 2

THE HECKER LAW GROUP  
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## Exhibit 3





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## Exhibit 4

THE HECKER LAW GROUP  
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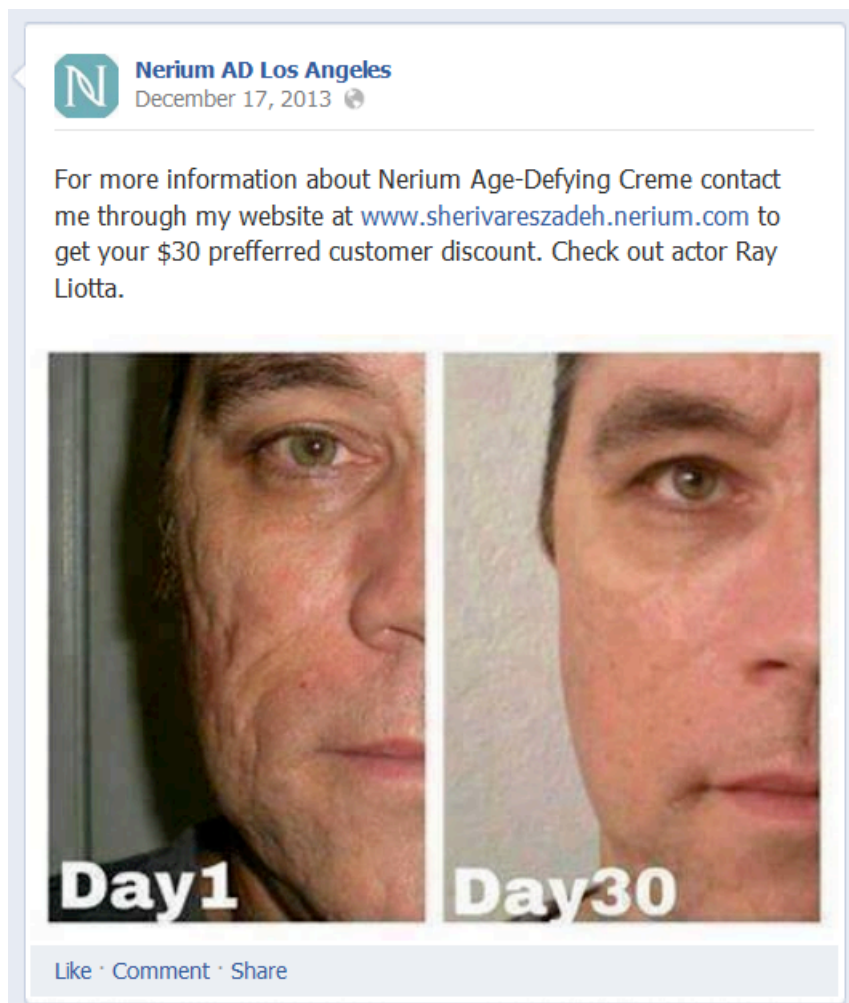
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## Exhibit 5

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## Exhibit 6




THE HECKER LAW GROUP  
1925 Century Park East, Suite 2300  
Los Angeles, California 90067

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**Nerium Skin Care Jackie & Nelson** shared Jackie Welf Brann's photo.  
November 2, 2013

Ray Liotta from Goodfellas after using NeriumAD for 30 days!  
30 day money back guarantee if you don't see result in one month!  
nelsonandjackie.nerium.com  
<http://nelsonandjackie.theneriumlook.com/>



Day1 Day30

Ray-Liotta from Goodfellas after  
using NeriumAD for 30 days

Like · Comment · Share  2

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## Exhibit 7

I know I know, too good to be true? That's what I thought until I tried Nerium AD over a month ago. Now people are asking me what I did to my skin and telling me how great my face looks!

I was working on a movie this summer and when it was over a friend showed me these before and after pics of actor RAY LIOTTA:

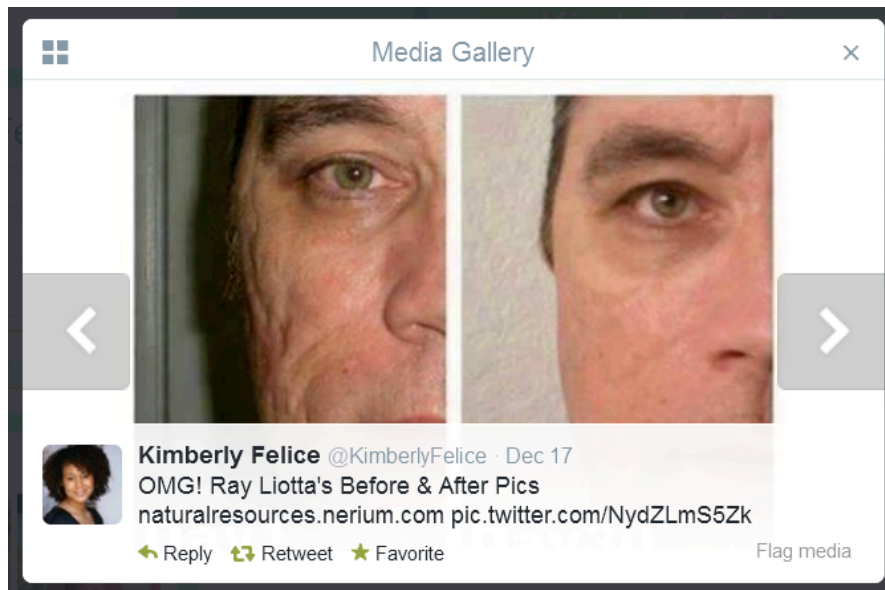


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Los Angeles, California 90067

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## Exhibit 8

THE HECKER LAW GROUP  
1925 Century Park East, Suite 2300  
Los Angeles, California 90067



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1925 Century Park East, Suite 2300  
Los Angeles, California 90067

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## Exhibit 9



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1925 Century Park East, Suite 2300  
Los Angeles, California 90067



**Michelle Manire - Nerium International,  
Independent Brand Partner** OWNER

#Nerium

Real Results - Oct 27, 2013

Ray Liotta loves #Nerium.

[www.manire.theneriumlook.com](http://www.manire.theneriumlook.com)



+1



Add a comment...

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

NOTICE OF ASSIGNMENT TO UNITED STATES JUDGES

This case has been assigned to District Judge Christina A. Snyder and the assigned  
Magistrate Judge is Andrew J. Wistrich.

The case number on all documents filed with the Court should read as follows:

CV14-1632-CAS(AJWx)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge.

Clerk, U. S. District Court

March 5, 2014

Date

By C. Sawyer

Deputy Clerk

---

NOTICE TO COUNSEL

*A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).*

**Subsequent documents must be filed at the following location:**



Western Division  
312 N. Spring Street, G-8  
Los Angeles, CA 90012



Southern Division  
411 West Fourth St., Ste 1053  
Santa Ana, CA 92701



Eastern Division  
3470 Twelfth Street, Room 134  
Riverside, CA 92501

**Failure to file at the proper location will result in your documents being returned to you.**

UNITED STATES DISTRICT COURT

for the

Central District of California

RAY LIOTTA and PUNKY, INC. *an individual; and PUNKY, INC., a California Corporation*

*Plaintiff(s)*

v.

NERIUM INTERNATIONAL, LLC, a Texas Limited Liability Company; individuals MICHAEL SHOURED; KELLY HEFFERNAN; JUDITH PEREZ; SHERI VARESZADEH; JACKIE BRANN; NELSON BRANN; VICTORIA ROWE; KIMBERLY FELICE; MICHELLE MANIRE; and DOES 1-10

*Defendant(s)*

CV14-1632 CAS (AJWx)  
Civil Action No.

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

GARY A. HECKER  
THE HECKER LAW GROUP  
1925 CENTURY PARK EAST, SUITE 2300  
LOS ANGELES, CALIFORNIA 90067

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Date: 03/05/2014

CLERK OF COURT



*Signature of Clerk or Deputy Clerk*



**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA**  
**CIVIL COVER SHEET**

**I. (a) PLAINTIFFS** ( Check box if you are representing yourself ☐ )

RAY LIOTTA and PUNKY, INC.

**DEFENDANTS** ( Check box if you are representing yourself ☐ )

NERIUM INTERNATIONAL, LLC, a Texas Limited Liability Company; individuals MICHAEL SHOUBED; KELLY HEFFERNAN; JUDITH PEREZ; SHERI VAREZADEH; JACKIE BRANN; NELSON BRANN; VICTORIA ROWE; KIMBERLY FELICE; MICHELLE MANIRE; and DOES 1-10

(b) County of Residence of First Listed Plaintiff LOS ANGELES

(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant \_\_\_\_\_

(IN U.S. PLAINTIFF CASES ONLY)

(c) Attorneys (Firm Name, Address and Telephone Number) If you are representing yourself, provide the same information.

GARY A. HECKER, THE HECKER LAW GROUP,  
1925 CENTURY PARK EAST, SUITE 2300, LOS ANGELES, CALIFORNIA 90067

Attorneys (Firm Name, Address and Telephone Number) If you are representing yourself, provide the same information.

**II. BASIS OF JURISDICTION** (Place an X in one box only.)

- ☐ 1. U.S. Government Plaintiff
- ☒ 3. Federal Question (U.S. Government Not a Party)
- ☐ 2. U.S. Government Defendant
- ☐ 4. Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES**-For Diversity Cases Only  
(Place an X in one box for plaintiff and one for defendant)

- |   |                                |                                |   |                                |                                |
|---|--------------------------------|--------------------------------|---|--------------------------------|--------------------------------|
| Citizen of This State                   | PTF <input type="checkbox"/> 1 | DEF <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in this State     | PTF <input type="checkbox"/> 4 | DEF <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2     | <input type="checkbox"/> 2     | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5     | <input type="checkbox"/> 5     |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3     | <input type="checkbox"/> 3     | Foreign Nation  | <input type="checkbox"/> 6     | <input type="checkbox"/> 6     |

**IV. ORIGIN** (Place an X in one box only.)

- ☒ 1. Original Proceeding
- ☐ 2. Removed from State Court
- ☐ 3. Remanded from Appellate Court
- ☐ 4. Reinstated or Reopened
- ☐ 5. Transferred from Another District (Specify) \_\_\_\_\_
- ☐ 6. Multi-District Litigation

**V. REQUESTED IN COMPLAINT: JURY DEMAND:** ☒ Yes ☐ No (Check "Yes" only if demanded in complaint.)**CLASS ACTION under F.R.Cv.P. 23:** ☐ Yes ☒ No **MONEY DEMANDED IN COMPLAINT: \$** \_\_\_\_\_**VI. CAUSE OF ACTION** (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

Violation of the Lanham Act, 15 U.S.C. § 1125(a); Unfair Competition

**VII. NATURE OF SUIT** (Place an X in one box only.)

OTHER STATUTES	CONTRACT	REAL PROPERTY CONT.	IMMIGRATION	PRISONER PETITIONS	PROPERTY RIGHTS
<input type="checkbox"/> 375 False Claims Act	<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 462 Naturalization Application	<b>Habeas Corpus:</b>	<input type="checkbox"/> 820 Copyrights
<input type="checkbox"/> 400 State Reapportionment	<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 463 Alien Detainee Sentence	<input type="checkbox"/> 830 Patent
<input type="checkbox"/> 410 Antitrust	<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 290 All Other Real Property	<b>TORTS</b>	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input checked="" type="checkbox"/> 840 Trademark
<input type="checkbox"/> 430 Banks and Banking	<input type="checkbox"/> 140 Negotiable Instrument	<b>PERSONAL INJURY</b>	<b>PERSONAL PROPERTY</b>	<input type="checkbox"/> 530 General	<b>SOCIAL SECURITY</b>
<input type="checkbox"/> 450 Commerce/ICC Rates/Etc.	<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 861 HIA (1395ff)
<input type="checkbox"/> 460 Deportation	<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 371 Truth in Lending	<b>Other:</b>	<input type="checkbox"/> 862 Black Lung (923)
<input type="checkbox"/> 470 Racketeer Influenced & Corrupt Org.	<input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Vet.)	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 540 Mandamus/Other	<input type="checkbox"/> 863 DIWC/DIWW (405 (g))
<input type="checkbox"/> 480 Consumer Credit	<input type="checkbox"/> 153 Recovery of Overpayment of Vet. Benefits	<input type="checkbox"/> 330 Fed. Employers' Liability	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 864 SSID Title XVI
<input type="checkbox"/> 490 Cable/Sat TV	<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 340 Marine	<b>BANKRUPTCY</b>	<input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 865 RSI (405 (g))
<input type="checkbox"/> 850 Securities/Commodities/Exchange	<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 560 Civil Detainee Conditions of Confinement	<b>FEDERAL TAX SUITS</b>
<input type="checkbox"/> 890 Other Statutory Actions	<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<b>FORFEITURE/PENALTY</b>	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)
<input type="checkbox"/> 891 Agricultural Acts	<input type="checkbox"/> 196 Franchise	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<b>CIVIL RIGHTS</b>	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
<input type="checkbox"/> 893 Environmental Matters	<b>REAL PROPERTY</b>	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 440 Other Civil Rights	<b>LABOR</b>	
<input type="checkbox"/> 895 Freedom of Info. Act	<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 362 Personal Injury-Med Malpractice	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 710 Fair Labor Standards Act	
<input type="checkbox"/> 896 Arbitration	<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 365 Personal Injury-Product Liability	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 720 Labor/Mgmt. Relations	
<input type="checkbox"/> 899 Admin. Procedures Act/Review of Appeal of Agency Decision	<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 740 Railway Labor Act	
<input type="checkbox"/> 950 Constitutionality of State Statutes		<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 445 American with Disabilities-Employment	<input type="checkbox"/> 751 Family and Medical Leave Act	
			<input type="checkbox"/> 446 American with Disabilities-Other	<input type="checkbox"/> 790 Other Labor Litigation	
			<input type="checkbox"/> 448 Education	<input type="checkbox"/> 791 Employee Ret. Inc. Security Act	



**VIII. VENUE:** Your answers to the questions below will determine the division of the Court to which this case will most likely be initially assigned. This initial assignment is subject to change, in accordance with the Court's General Orders, upon review by the Court of your Complaint or Notice of Removal.

<b>Question A: Was this case removed from state court?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No  If "no," go to Question B. If "yes," check the box to the right that applies, enter the corresponding division in response to Question D, below, and skip to Section IX.	STATE CASE WAS PENDING IN THE COUNTY OF:		INITIAL DIVISION IN CACD IS:
	<input type="checkbox"/> Los Angeles		Western
	<input type="checkbox"/> Ventura, Santa Barbara, or San Luis Obispo		Western
	<input type="checkbox"/> Orange		Southern
	<input type="checkbox"/> Riverside or San Bernardino		Eastern

<b>Question B: Is the United States, or one of its agencies or employees, a party to this action?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No  If "no," go to Question C. If "yes," check the box to the right that applies, enter the corresponding division in response to Question D, below, and skip to Section IX.	If the United States, or one of its agencies or employees, is a party, is it:		INITIAL DIVISION IN CACD IS:
	A PLAINTIFF? Then check the box below for the county in which the majority of DEFENDANTS reside.	A DEFENDANT? Then check the box below for the county in which the majority of PLAINTIFFS reside.	
	<input type="checkbox"/> Los Angeles	<input type="checkbox"/> Los Angeles	Western
	<input type="checkbox"/> Ventura, Santa Barbara, or San Luis Obispo	<input type="checkbox"/> Ventura, Santa Barbara, or San Luis Obispo	Western
	<input type="checkbox"/> Orange	<input type="checkbox"/> Orange	Southern
	<input type="checkbox"/> Riverside or San Bernardino	<input type="checkbox"/> Riverside or San Bernardino	Eastern
	<input type="checkbox"/> Other	<input type="checkbox"/> Other	Western

Question C: Location of plaintiffs, defendants, and claims? (Make only one selection per row)	A. Los Angeles County	B. Ventura, Santa Barbara, or San Luis Obispo Counties	C. Orange County	D. Riverside or San Bernardino Counties	E. Outside the Central District of California	F. Other
Indicate the location in which a majority of plaintiffs reside:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Indicate the location in which a majority of defendants reside:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Indicate the location in which a majority of claims arose:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

<b>C.1. Is either of the following true? If so, check the one that applies:</b> <input type="checkbox"/> 2 or more answers in Column C <input type="checkbox"/> only 1 answer in Column C and no answers in Column D  Your case will initially be assigned to the SOUTHERN DIVISION. Enter "Southern" in response to Question D, below.  If none applies, answer question C2 to the right. →	<b>C.2. Is either of the following true? If so, check the one that applies:</b> <input type="checkbox"/> 2 or more answers in Column D <input type="checkbox"/> only 1 answer in Column D and no answers in Column C  Your case will initially be assigned to the EASTERN DIVISION. Enter "Eastern" in response to Question D, below.  If none applies, go to the box below. ↓
Your case will initially be assigned to the WESTERN DIVISION. Enter "Western" in response to Question D below.	

<b>Question D: Initial Division?</b>	INITIAL DIVISION IN CACD
Enter the initial division determined by Question A, B, or C above: →	WESTERN

**IX(a). IDENTICAL CASES:** Has this action been previously filed in this court and dismissed, remanded or closed? ☒ NO ☐ YES

If yes, list case number(s): \_\_\_\_\_

**IX(b). RELATED CASES:** Have any cases been previously filed in this court that are related to the present case? ☒ NO ☐ YES

If yes, list case number(s): \_\_\_\_\_

**Civil cases are deemed related if a previously filed case and the present case:**

- (Check all boxes that apply)
- ☐ A. Arise from the same or closely related transactions, happenings, or events; or
  - ☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or
  - ☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or
  - ☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

**X. SIGNATURE OF ATTORNEY**

**(OR SELF-REPRESENTED LITIGANT):**

DATE: March 5, 2014

**Notice to Counsel/Parties:** The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet).

**Key to Statistical codes relating to Social Security Cases:**

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405 (g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405 (g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405 (g))